

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT

FRED PROCTOR, et. al.,

Plaintiff(s),

CASE NO.: 2:07-CV-12414

vs.

L. APPLEGATE, et. al.,

HON. PAUL D. BORMAN  
MAG. JUDGE MICHAEL J. HLUCHANIUK

Defendant(s).

/

**ORDER TO PROVIDE ADDRESSES FOR SERVICE**

Plaintiffs Fred Proctor, Perry Alva Hurd, Jr., Gilbert Jivden, Jason Petersen, and Daniel Chandler inmates in the custody of the Michigan Department of Corrections filed this pro se 42 U.S.C. § 1983 action on June 5, 2007. This matter was originally referred to Magistrate Judge R. Steven Whalen for all Pretrial Purposes in accordance with 28 U.S.C. 636 by the Honorable Paul D. Borman on July 24, 2007. On January 14, 2008, a Notice to Counsel Regarding Reassignment of Magistrate Judge was entered which reassigned this case to the undersigned pursuant to Administrative Order 08-AO-004.

Plaintiffs have been granted in forma pauperis status. In accordance with 28 U.S.C. 1915(d) and Federal Rule of Civil Procedure 4(c)(2)(B)(I), the United States Marshal's Service has unsuccessfully attempted to serve the defendant(s) with the Waiver of Service Form and Complaint in this matter by mailing same to the defendant(s). The Michigan Department of Corrections has filed a number of letters along with the un-executed returns of service of process as to certain defendants.

Listed below are the names of those defendants that the United States Marshal Service has been unable to serve the complaint on as well as the reason why service cannot be accepted for these defendants:

L. Applegate - retired  
Bryan Watson - retired  
Frederick Niedemeyer - separated from state service  
Louanna Jefferson - on medical leave  
ARUS Berry - no longer employed at Adrian facility  
C/O Payne - separated from state service  
Connie Trevino - no longer at Adrian facility  
C/O Burtovoy - no longer working at Adrian facility  
C/O Peiffer - separated from state service  
William Luetzow - retired  
Dan Ezrow - retired  
Timothy Luoma - no longer employed by Dept. Of Corrections  
CO Vain - no one employed at the Baraga facility by that name

**IT IS HEREBY ORDERED** that the Administrator of the Michigan Department of Corrections, shall provide to Magistrate Judge Michael J. Hluchaniuk, in camera, the most current address of the defendant(s), on or before **MARCH 10, 2008**. Such address shall be used for the purpose of attempting to effectuate service of process on the defendant(s).

**IT IS FURTHER ORDERED** that the information furnished pursuant to this order shall remain under seal, if deemed necessary by the United States Magistrate Judge and shall be used by the court only in conjunction with any issue that may arise as to the service of process upon the defendant(s).

Dated: February 21, 2008

s/ Michael J. Hluchaniuk  
Michael J. Hluchaniuk  
United States Magistrate Judge

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 21, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: not applicable, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Michigan Dept. Of Corrections - Litigation Coordinator, Grandview Plaza Bldg., P.O. Box 30003, Lansing, MI 48909 Daniel Chandler #250214, G. Robert Cotton Corr. Facility, 3500 N. Elm Rd., Jackson, MI 49201, Perry Alva Hurd, Jr., 2581 Park Way Dr., Manitou Beach, MI 49253, Gilbert Jividen #262914, E.C. Brooks Corr. Facility, 2500 S. Sheridan Rd., Muskegon Heights, MI 49444, Jason Petersen #2860361, Lakeland Corr. Facility, 141 First St., Coldwater, MI 49036, Fred Proctor #178602, Southern Michigan Corr. Facility, 4010 Cooper St., Jackson, MI 49201-7510

s/ James P. Peltier  
James P. Peltier  
Courtroom Deputy Clerk  
U.S. District Court  
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810-341-7850  
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